

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

AVOCENT HUNTSVILLE)
CORPORATION,)
)
Plaintiff,)
)
vs.) **Civil Action No. CV-03-S-2875-NE**
)
CLEARCUBE TECHNOLOGY,)
INC.,)
)
Defendant.)

ORDER

This action is before the court on defendant ClearCube's motion to strike the "Supplemental Expert Report of Joseph C. McAlexander III Regarding Infringement of U.S. Patent Numbers 6,184,919 and 6,150,997," including all testimony or other evidence related thereto (doc. no. 82). Upon consideration of the motion, briefs,¹ evidentiary submissions,² and contentions of counsel during the status conference held on September 16, 2005, the motion is DENIED.

¹ See doc. no. 82 (Motion to Strike Supplemental Expert Report and Related Testimony); doc. no. 93 (Avocent Huntsville's Opposition to ClearCube's Motion to Strike the Supplemental Report of Joseph C. McAlexander); doc. no. 96 (ClearCube's Reply to Avocent Huntsville's Opposition to ClearCube's Motion to Strike the Supplemental Report of Joseph C. McAlexander); doc. no. 97, Ex. 1 (Avocent Huntsville's Surreply to ClearCube's Motion to Strike the Supplemental Report of Joseph C. McAlexander).

² See doc. no. 82 (Motion to Strike), Exs. A-E; doc. no. 93 (Avocent's Opposition), Exs. 1-7.

DONE this 19th day of September, 2005.



United States District Judge